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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTONIO M. REYES CACERES,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.
-----X

ORDER
18-CV-6790 (KHP)

KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE:

On Monday, November 27, 2023, counsel for Plaintiff filed a Motion for Attorneys' Fees pursuant to 42 U.S.C § 406(b), along with supporting documentation. On November 29, 2023, the Court directed Defendant to file a letter stating its position on Plaintiff's request by December 20, 2023.¹ Defendant has not filed a letter stating its position. Accordingly, the deadline for Defendant to submit the letter is extended to **Wednesday, January 24, 2024**. If Defendant takes no position on the fee request, Defendant's letter should state that Defendant takes no position on the request.

SO ORDERED.

Dated: January 4, 2024
New York, New York

Katharine H. Parker

KATHARINE H. PARKER
United States Magistrate Judge

¹ Unlike attorney's fees awarded pursuant to the Equal Access to Justice Act, which are paid by the Government, fees awarded pursuant to § 406(b) are payable from the claimant's past due benefits, and accordingly, Defendant has no direct financial stake in the outcome of this fee application. That said, Defendant may "play[] a part in the fee determination resembling that of a trustee for the claimants." *Gisbrecht v. Barnhart*, 535 U.S. 789, 798 n.6. (2002).